

IMPROVING THE EFFICACY OF DEPARTMENT OF THE ARMY TITLE 10 FORCES  
PERFORMING DEFENSE SUPPORT OF CIVIL AUTHORITIES

A thesis presented to the Faculty of the U.S. Army  
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Homeland Security Studies

by  
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The opinions and conclusions expressed herein are those of the student author and do not necessarily represent the views of the U.S. Army Command and General Staff College or any other governmental agency. (References to this study should include the foregoing statement.)

## ABSTRACT

IMPROVING THE EFFICACY OF DEPARTMENT OF THE ARMY TITLE 10 FORCES PERFORMING DEFENSE SUPPORT OF CIVIL AUTHORITIES, by Major Robert L. Elliott, 80 pages.

The growing number of natural disasters combined with increasingly decentralized terrorist threats mandate that the Department of the Army (DA) be prepared to support civil authorities within the continental United States if a disaster occurs. This thesis endeavored to determine statutory and regulatory restrictions emplaced upon DA Title 10 forces to provide Defense Support of Civil Authorities (DSCA) following a Presidential declaration of disaster. Research determined the current DSCA capabilities and processes as well as areas for improvement.

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## ACRONYMS

AC	Area Commander
ADP	Army Doctrine Publication
ARNORTH	Army North
C2	Command and Control
C2CRE	Command and Control CBRN Consequence Response Element
CBRN	Chemical, Biological, Radiological, Nuclear
CCMRF	CBRNE Consequence Management Response Force
CERFP	CBRNE Emergency Response Force Package
CJCS	Chairman of the Joint Chiefs of Staff
CM	Consequence Management
CRE	CBRN Response Enterprise
CST	Civil Support Team
DA	Department of the Army
DCE	Defense Coordinating Element
DCO	Defense Coordinating Officer
DCRF	Defense CBRNE Response Force
DDASS	Department of Defense Support of Civil Authority Automated Support System
DHS	Department of Homeland Security
DoD	Department of Defense
DODD	Department of Defense Directive
DSCA	Defense Support of Civil Authorities
EDRE	Emergency Deployment Readiness Exercise



EXORD	Execution Order
FEMA	Federal Emergency Management Agency
FP	Force Protection
GAO	Government Accountability Office
HRF	Homeland Response Force
HSPD	Homeland Security Presidential Directive
IC	Incident Commander
ICS	Incident Command System
IRA	Immediate Response Authority
JP	Joint Publication
JTF	Joint Task Force
JTF-CS	Joint Task Force–Civil Support
MEB	Maneuver Enhancement Brigade
MP	Military Police
NIMS	National Incident Management System
NORTHCOM	Northern Command
NRF	National Response Framework
NSS	National Security Strategy
NUDET	Nuclear Detonation
PA	Primary Agency
PCA	Posse Comitatus Act
PDSI	Personnel Development Skill Identifier
PPD	Presidential Policy Directive
QDR	Quadrennial Defense Review
SRUF	Standing Rules for the Use of Force

TACON	Tactical Control
TF	Task Force
TIC	Toxic Industrial Chemical
TIM	Toxic Industrial Material
UCMJ	Uniform Code of Military Justice
WMD-CST	Weapon of Mass Destruction–Civil Support Team

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## CHAPTER 1

### INTRODUCTION/BACKGROUND

On 10 March 2009, nine civilians lay murdered in the streets along with the shooter in Samson, Alabama, the neighboring town to Fort Rucker. The senior military police officer assigned to Fort Rucker knew the neighboring county sheriff's department capacity was insufficient to protect the integrity of such a large crime scene. According to the Department of the Army Inspector General Office report, the military police officer's "intent was to be a good Army neighbor and help local civilian authorities facing a difficult, unique tragedy affecting the local community. There were no apparent adverse collateral effects to the support provided." Based on the officer's experiences with Hurricane Katrina, he sent approximately twenty military police soldiers off-post to help secure the crime scene. Soldiers, wearing police duty belts, with weapons, handcuffs, and reflective vests emblazoned with "Police," directed traffic and performed other actions to prevent contamination of the crime scene.

Most soldiers put in the above context of a mass shooting and a desperate law enforcement agency would reasonably assume it was legal to dispatch military police to help. However, the report from the Department of Army Inspector General found the use of military personnel in the Samson incident violated the Posse Comitatus Act (PCA), which prohibits federal troops from performing law enforcement actions off military installations.<sup>1</sup> The governing principle of the federal Posse Comitatus Act is clear - the

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<sup>1</sup>Army Times, "Review: Soldiers Broke Law in Shooting Response," [http://www.armytimes.com/news/2009/10/ap\\_army\\_rucker\\_shootings\\_response\\_101909/](http://www.armytimes.com/news/2009/10/ap_army_rucker_shootings_response_101909/) (accessed 11 February 2013).

active use of the military as a police force outside the confines of a military installation and within the borders of the U.S. is illegal. Yet, the pictures of the scene are also as clear: military police soldiers wearing law enforcement gear, and carrying firearms were off Fort Rucker directing traffic around the crime scene area. The senior military police officer on the installation received administrative action as punishment for sending the military police soldiers outside the installation to provide assistance.

The commander of the state of Alabama Bureau of Investigation office in Dothan, Lt. Barry Tucker, was the lead officer responsible for the crime scene in Samson.

Concerning the response from the Fort Rucker military police, he said,

I myself am a retired lieutenant colonel in the MPs. I understand about Posse Comitatus and how that works and how the line is drawn for MPs from an active duty base working a law enforcement mission outside of the base. I know where the line is—and I did not see that line crossed. What I saw was MPs standing out in the road, moving traffic, doing things that would normally be done at a traffic control point. They were augmented by civilian law enforcement from outside agencies. Anything that would've happened could have been handled by the law enforcement agencies.<sup>2</sup>

The interesting facet of this single event is that two military police lieutenant colonels did not perceive their decision to use soldiers off-post to enforce civilian law as a violation of PCA. Although this is one specific incident, it highlights the need to increase education on PCA for military leaders and soldiers.

It is entirely possible and legal to employ military forces in a Defense Support of Civil Authorities (DSCA) role with proper requests and approvals. The Immediate Response Authority (IRA) provides provisions where installation commanders can grant

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<sup>2</sup>CBS News, "Army MP's 'Just Showed Up' and 'Didn't Cross the Line,'" Alabama Law Enforcement Official Says," 18 March 2009, <http://cnsnews.com/news/article/army-mp-s-just-showed-and-didn-t-cross-line-alabama-law-enforcement-official-says> (accessed 10 January 2013).

Title 10 forces the ability to assist neighboring authorities. However, there are still significant restrictions on the duration and type of missions military forces may execute under the Immediate Response Authority.

Ideally, leaders and soldiers would receive training to understand their operating parameters and constraints prior to conducting missions under exigent circumstances. Even under the guise of IRA, every action taken by a Title 10 soldier must receive a skillful legal review to ensure there are no breaches of the Posse Comitatus Act.

It is a valid consideration that if certain components of the military's response to the Samson incident were changed the outcome may have been different. If the military police soldiers were wearing civilian attire and reflective vests, they could have avoided the perception of military personnel performing law enforcement duties in the civilian community. If a uniformed civilian police officer accompanied every soldier and the civilian police officer was, waving traffic the outcome could have been different. If the soldiers off post were MPs but not wearing law enforcement gear - such as wearing plain reflective vests without "Police" emblazoned on them—there could have been an entirely different outcome. These are all this author's speculations, but are relevant to the discussion of operating constraints placed on soldiers operating off a military installation. It is equally important to know and understand PCA constraints to avoid a PCA violation.

Every US Army soldier needs to understand the operating constraints placed upon them by federal law, and the liabilities their actions carry. Military forces should avoid the perception of independently conducting civilian law enforcement functions off the military installation. Assistance is possible through a truncated approval process under IRA if appropriate exigent circumstances are present. We can be good neighbors to the

civilian population in the communities surrounding military installations in a time of crisis—but we must do it intelligently and legally. In order to facilitate success, the Department of Defense (DoD) and Department of the Army (DA) have provided DSCA policy and doctrine.

The January 2012 Defense Strategic Planning Guidance lists Homeland Defense and DSCA as a top priority for the Department of Defense.<sup>3</sup> Congruently, one of the four directed missions for the United States Department of the Army (DA) in ADP 3-0 is DSCA.<sup>4</sup> In simplest form DSCA is the request for and subsequent application of Title 10 military forces to support civil authorities during a time of disaster to mitigate human suffering and save lives.

Department of Defense Directive (DoDD) 5111.13 and DoDD 3025.dd. define DSCA:

support provided by U.S. Federal military forces, DoD civilians, DoD contract personnel, DoD Component assets, and National Guard forces when the Secretary of Defense, in coordination with the Governors of the affected States, authorizes use of those forces in response to requests for assistance from civil authorities or from qualifying entities for special events, domestic emergencies, designated law enforcement support, and other domestic activities.<sup>5</sup>

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<sup>3</sup>Department of Defense, *National Military Strategy* (Washington, DC: Government Printing Office, January 2012), 10.

<sup>4</sup>Department of the Army, Army Doctrine Reference Publication (ADRP) 3-0, *Unified Land Operations* (Washington, DC: Government Printing Office, January 2012), 5.

<sup>5</sup>Department of Defense, Directive 5111.13, *Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs (ASD(HD&ASA))* (Washington, DC: Government Printing Office, 2009), [www.dtic.mil/whs/directives/corres/pdf/511113p.pdf](http://www.dtic.mil/whs/directives/corres/pdf/511113p.pdf) (accessed 12 May 2013).



DoD has vast capabilities and resources for employment at a time of disaster, which serve well in a DSCA role. “At the high end of the threat spectrum, the 21st century environment has fundamentally altered the terms under which DoD assets and capabilities might be called upon for support. The potential for multiple, simultaneous, CBRNE attacks on US territory is real.”<sup>6</sup> Although the DoD is not the primary responder in the United States in the event of a disaster, the DA possesses unique and often underutilized skills for service to our country during a disaster. These capabilities include logistics transport vehicles, water purification equipment, horizontal engineer road clearing equipment and general support.

DSCA will always be a mission generated in response to a request for assistance.<sup>7</sup> The request for assistance will begin at the local government level, normally with a state governor requesting federal assistance to assist in disaster consequence management. There are multiple steps involved to request assistance but they all depend on a Presidential declaration of national disaster. Once the President declares an event a national disaster, states may request federal resources.

The Department of the Army in a DSCA role is a supporting effort to the primary response authority, the Federal Emergency Management Agency (FEMA). FEMA is the single agency dedicated towards managing our nation’s disasters.<sup>8</sup> DA must prepare both

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<sup>6</sup>Department of Defense, *Strategy for Homeland Defense and Civil Support* (Washington, DC: Government Printing Office, June 2005), 19.

<sup>7</sup>Department of Defense, *Defense Support of Civil Authorities Handbook* (Washington, DC: Government Printing Office, January 2010), 1.

<sup>8</sup>Federal Emergency Management Agency, *Publication 1* (Washington, DC: Government Printing Office, 2010), <http://www.fema.gov/library/viewRecord.do?id=5417> (accessed 22 March 2013).

organizational structure and training to support all echelons of government requiring assistance whether it is local, tribal, county, or state governments. The National Response Framework (NRF) synergized DA and FEMA disaster response actions.

The National Response Framework is a guide to how the nation provides an all hazards response.<sup>9</sup> The NRF establishes common disaster response principles to organize the many agencies likely to participate in disaster recovery. While the NRF provides strategic direction to senior leaders, there is little mention of the tactical level tact and expertise. The tactical level leader impact during DSCA can be the difference of success or failure.

The United States made dedicated, concerted efforts to ensure the efficacy of disaster planning at larger headquarters echelons by the creation of Northern Command in 2002. However, it has not provided as much focus for individual soldiers to function in the DSCA role. The ability of junior leaders to understand and operate in the support capacity is often inadequate to the task, which requires great patience, tact, and understanding of a complex and dynamic environment. There are a host of legislative restrictions for the DSCA mission, which include the Posse Comitatus Act, the Insurrection Act, and the Economy Act. However, rarely are soldiers trained to understand these restrictions or potential punishments for their actions under the provisions. Unique language differences between civil authorities and military forces, complex command and control architectures, training, communications interoperability problems and mission assignment and tracking issues compound these problems. Finally,

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<sup>9</sup>Federal Emergency Management Agency, *National Response Framework* (Washington, DC: Government Printing Office, 2008), <http://www.fema.gov/national-response-framework> (accessed 22 March 2013).

it is important to understand the nature of DSCA should include the expectation of operating in an austere or devastated environment where communications equipment, transportation, or support will be exponentially more difficult.

The formation of United States Northern Command (NORTHCOM) illustrated our nation's need to create a DoD component to assist in the event of a terrorist attack or natural disaster.<sup>10</sup> Despite the command's creation in 2002, mainly as an answer to the gaps identified immediately following 11 September 2001, the DoD and NORTHCOM implementation into the response plan following Hurricane Katrina four years later was poor. This brings to bear the thought and public perception that despite our huge tax dollar investment into the DoD, it lacks the necessary training or force structure to assist the public when needed most. This public perception will become increasingly more important as our Nation's budget problems continue and budget cuts are high in the government priority list.

In an effort to reduce the DSCA capability gap between the NORTHCOM Headquarters and civil authorities at an incident scene, the Department of the Army created the Chemical, Biological, Radiological, and Nuclear (CBRN) Response Enterprise. The CBRN Response Enterprise (CRE) has undergone numerous evolutions of operating constructs and force structure, but remains a conglomerate of multiple units from both active and reserve components. Today labeled as the CBRN Response Enterprise, these components currently consist of the Defense CBRN Response Force (DCRF) and the Command and Control CBRN Response Enterprise (C2CRE). Joint Task

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<sup>10</sup>William M. Thaler, *Emerging Issues in Homeland Security* (Hauppauge, New York: Nova Science Publishers, 2005), 107.

Force Civil Support is the headquarters assigned the responsibility for lashing all of these assets together during a federal disaster response.

The overall organizational structure of the JTF-CS supports general-purpose missions, chemical recon and limited decontamination missions, medical, aviation and logistics support. The functional task forces—Task Force Operations, Task Force Medical, Task Force Logistics, and Task Force Aviation support JTF-CS as the operational headquarters. Additionally, two separate chemical entities labeled C2CRE are able to work with the other task forces in order to maintain a capable and scalable response force.

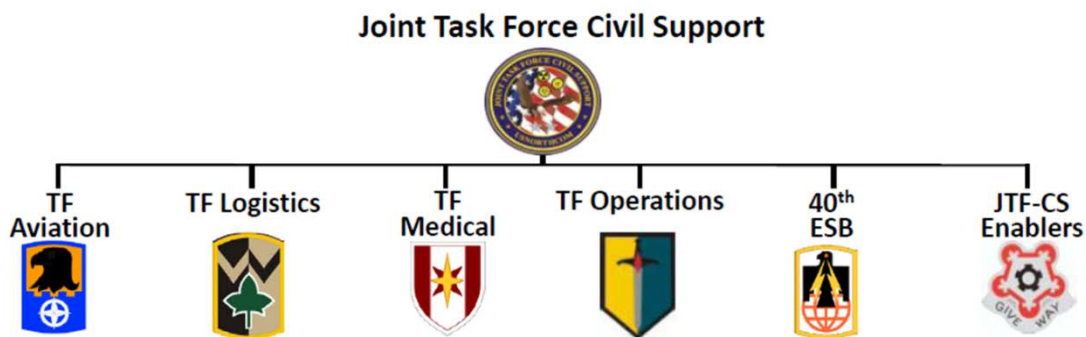


Figure 1. 2012 Joint Task Force Civil Support organizational structure

*Source:* Northern Command, “About JTF-CS,” [http://www.jtfcs.northcom.mil/Documents/JTFCS101Briefv1.0\(29Nov2012\).pdf](http://www.jtfcs.northcom.mil/Documents/JTFCS101Briefv1.0(29Nov2012).pdf) (accessed 9 May 2013).

Joint Task Force Civil Support is a standing headquarters element within NORTHCOM. JTF-CS plans and integrates DoD support to the designated Primary Agency for domestic chemical, biological, radiological, nuclear, or high-yield explosive

(CBRNE) consequence management operations.<sup>11</sup> JTF-CS mission is to command and control designated DoD forces to assist local, state, federal, and tribal partners in saving lives, preventing further injury, and providing critical support to enable community recovery. It is important to note JTF-CS has minimal full time assigned assets. All JTF-CS assets fulfill the CBRN response enterprise mission as a contingency assignment. During routine garrison operations, they have no responsibility to JTF-CS other than minimal reporting requirements. This means that the CBRNE enterprise response has almost none of its assets assigned on a full time basis. Most of the assets falling under JTF-CS during a disaster response belong to other organizational headquarters until activation in a disaster response capacity.

The CBRN Response Enterprise is a task force of approximately 7,000 personnel that deploys as the Department of Defense's initial disaster response at the request of the state governor after a presidential declaration of national disaster. The main element of employment is Task Force Operations, since it has general-purpose forces with broad capabilities. The first unit to assume Task Force Operations role was the 1st Brigade Combat Team from the 3rd Infantry Division in 2008 under an early iteration of the CBRNE response enterprise, the CBRNE Consequence Management Response Force (CCMRF). The CCMRF changed in following iterations to the Defense CBRN Response Force (DCRF). Minor organizational changes occurred to increase overall capacity. Subsequent active duty units to assume the Task Force Operations mission have been

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<sup>11</sup>United States Northern Command, "About Joint Task Force Civil Support," <http://www.northcom.mil/about/#JTFCS> (accessed 12 January 2013).

Maneuver Enhancement Brigades due to their organizational structures, which include military police, engineer, and chemical expertise.

While the motivations for the CBRNE response enterprise were justified and admirable, the CCMRF/DCRF creation was not without flaw. The mission is an “on order” mission, meaning NORTHCOM, JTF-CS, and TF-Ops are nominally delegated a Training Readiness Authority over the CBRN Response Force Enterprise units during non-crisis time through the Chairman of the Joint Chiefs of Staff CBRN Response Enterprise Execution Order. Culturally, within the response enterprise the command relationships equate to a paper tiger mentality since the headquarters are not a part of the rating scheme nor possess UCMJ authority over subordinate units.

Per the Chairman of the Joint Chiefs of Staff Execution Order, all units assigned to a DCRF rotation have reporting and training requirements. The order specifies the necessity emergency deployment readiness exercises (EDRE) to ensure units are capable of executing their mobilization and deployment plans within the specified mobilization timeline. However, since NORTHCOM and JTF-CS are not part of the garrison rating scheme of DCRF units it is difficult to verify or get multiple units to participate. Most of the training and reporting is personality or professional relationship dependent. The current DCRF units are on over twenty separate installations around the United States.

To illustrate the complexities of this “on order mission” this paper will explain CCMRF 11.1 rotation in 2009. The TF Operations element was the 4th Maneuver Enhancement Brigade, stationed at Fort Leonard Wood, Missouri. The sole maneuver entity under TF-Ops was the Military Police Battalion stationed at Fort Bliss, Texas. The MP battalion had a garrison requirement to provide law enforcement for a 1.1 million

acre installation, while simultaneously training and deploying subordinate MP companies to Iraq and Afghanistan. The desires and requirements of the 4th MEB (as TF-Ops) were not always possible for the MP battalion to execute given the leadership at Fort Bliss having conflicting ideas of what the CCMRF requirements were. This resulted in multiple higher headquarters with differing expectations and presumptions of how best to meet the requirements. The conflicting ideas and requirements from the multiple headquarters often led to confusion, frustration, and training time spent on unrealistic, unnecessary, or redundant tasks.

To further complicate the shattered command and control structure, the 93d MP Battalion's subordinate organizations for the CCMRF mission were neither organic nor co-located. Similar to the 4th MEB, the 93d MP Battalion's ability to enforce the subordinate unit training requirements were limited to the scope of professional relationships. CCMRF rotation 11.1 contained various military police companies from Forts Bliss, Drum, and Stewart, an Army Reserve chemical company from South Dakota as well as a Biological Detection platoon from Fort Hood. Each of the seven units assigned to the MP battalion for the CCMRF mission had their own headquarters elements in garrison and did not always share the dedication or emphasis toward the DSCA mission. This geographic dispersion meant training as a cohesive team was impossible. During this CCMRF rotation, Task Force Operations did not train as a coherent formation until the validation exercise several months into the one-year rotation. The validation exercise was the first and only time the battalion headquarters was able to train with all of its CCMRF subordinate units, and its higher headquarters Task Force Operations.

Problem Statement: How can Department of the Army improve the efficacy of Title 10 forces performing a Defense Support of Civil Authority mission?

Significance of the Problem: Globalization created a complex security environment with the ever-present danger of attack by weapons of mass destruction (WMD). For example, nuclear weapons and their components are increasingly available due to the widespread underground network established by Pakistani Abdul Qadeer Khan. Although dismantled in 2004, his underground network's ability to deliver nuclear capabilities to an underground, global privatized market was not as easy to turn off. Working in secret for two years, investigators tracked the digitized blueprints to Khan computers in several other countries. These blueprints are easily reproduced to create a weapon that is relatively small and easy to hide, making it potentially attractive to terrorists.<sup>12</sup> There is speculation the blueprints are for a 10-kiloton nuclear device, which can fit inside a large suitcase.

National disasters are also a significant contributor to the importance of DSCA. For example, a shift of the New Madrid fault line would affect critical infrastructure across several states and possibly be our nation's worst-case natural disaster. Every year, citizens across the United States face potential loss of life and property as the result of natural disasters. In a period of only 8 years, between 2000 and 2008, natural disasters of considerable severity resulted in 426 Presidential Disaster Declarations, an average of 4

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<sup>12</sup>New York Times, "Officials Fear Bomb Design Went to Others," [http://topics.nytimes.com/top/reference/timestopics/people/k/abdul\\_qadeer\\_khan/index.html](http://topics.nytimes.com/top/reference/timestopics/people/k/abdul_qadeer_khan/index.html) (accessed 5 May 2013).



per month.<sup>13</sup> Due to the increasing likelihood of a terrorist or a natural disaster, planning and training for disaster response became increasingly important.

Presidential Policy Directive 8 aimed at strengthening the security and resilience of the United States through systematic preparation for the threats that pose the greatest risk to the security of the Nation, including acts of terrorism, cyber attacks, pandemics, and catastrophic natural disasters.<sup>14</sup> Department of Homeland Security (DHS) and the Federal Emergency Management Agency (FEMA) maintain disaster-planning scenarios to fulfill the presidential directive. The scenarios serve as the foundation for the development of tasks, target capabilities, standards, and performance metrics. The scenarios serve as a template for assessing national preparedness; help guide Federal preparedness assistance to state, local, and tribal governments, and assist in development of national exercises and training programs.

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<sup>13</sup>Department of Defense, *Defense Support of Civil Authorities Handbook, Tactical Commander and Staff Toolkit* (Washington, DC: Government Printing Office, April 2010), 1-1.

<sup>14</sup>The White House, Presidential Policy Directive 8, *National Preparedness* (Washington, DC: The White House, March 2011), 1.

Table 1. National Planning Scenarios

<b>National Planning Scenarios</b>
<b>Scenario 1: Nuclear Detonation–10-Kiloton Improvised Nuclear Device</b>
<b>Scenario 2: Biological Attack–Aerosol Anthrax</b>
<b>Scenario 3: Biological Disease Outbreak–Pandemic Influenza</b>
<b>Scenario 4: Biological Attack–Plague</b>
<b>Scenario 5: Chemical Attack–Blister Agent</b>
<b>Scenario 6: Chemical Attack–Toxic Industrial Chemicals</b>
<b>Scenario 8: Chemical Attack–Chlorine Tank Explosion</b>
<b>Scenario 7: Chemical Attack–Nerve Agent</b>
<b>Scenario 9: Natural Disaster–Major Earthquake</b>
<b>Scenario 10: Natural Disaster–Major Hurricane</b>
<b>Scenario 11: Radiological Attack–Radiological Dispersal Devices</b>
<b>Scenario 12: Explosives Attack–Bombing Using Improvised Explosive Devices</b>
<b>Scenario 13: Biological Attack–Food Contamination</b>
<b>Scenario 14: Biological Attack–Foreign Animal Disease (Foot and Mouth)</b>
<b>Scenario 15: Cyber Attack</b>

*Source:* Federal Emergency Management Agency, “National Planning Scenarios,” [http://www.fema.gov/txt/media/factsheets/2009/npd\\_natl\\_plan\\_scenario.txt](http://www.fema.gov/txt/media/factsheets/2009/npd_natl_plan_scenario.txt) (accessed 8 May 2013).

It is important to note that 12 of the 15 scenarios are a CBRN type event. The reason for this is that they are often more difficult to counter and reflect a more dangerous types of event. Cleaning up or minimizing the spread of contamination in these types of events is also extremely difficult.

Planning scenario number 1 is the detonation of a 10-kiloton improvised nuclear detonation (NUDET) in a populated area. The expectations of the planning scenario estimate almost half a million casualties, 350,000 displaced personnel, and a contaminated area of 3,000 square miles (a geographic area equivalent to Rhode Island and Delaware combined). The 10-kiloton NUDET is a special threat since it is small enough to fit into a two foot by one-foot box and weigh 320 pounds. It would be difficult

to find, and would have a devastating effect on the economy. Nuclear fallout debris could contaminate multiple surrounding states, water and food sources. The medical community would immediately be overwhelmed, and the recovery would take years.

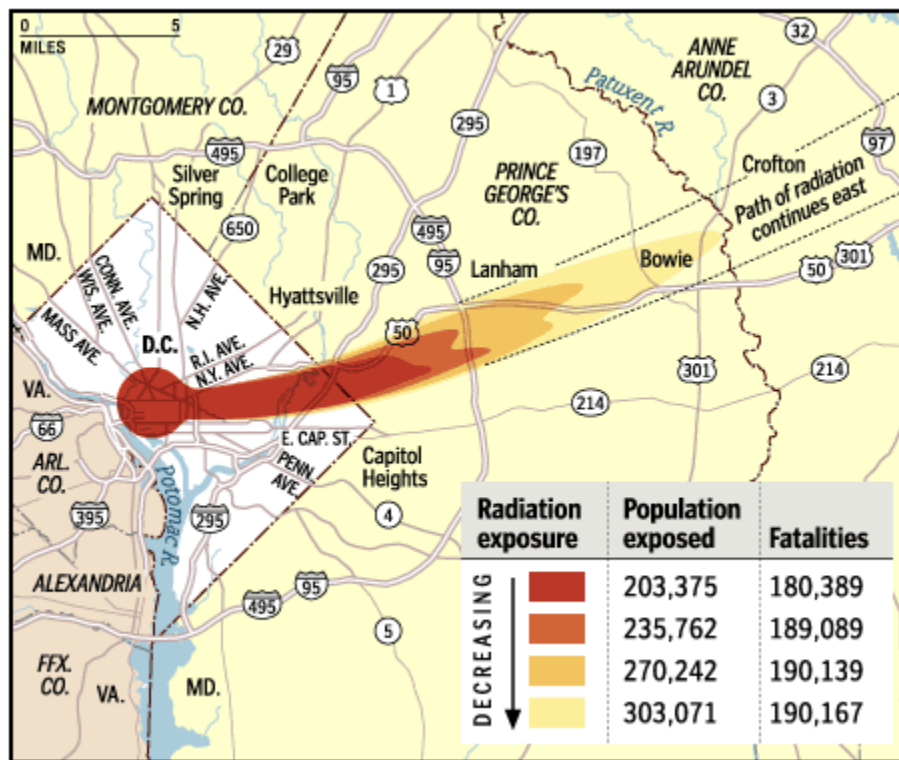


Figure 2. Impact of a 10KT Nuclear Detonation in Washington, D.C.

Source: United States Action, *Impact of Low Yield Nuclear Weapons*, <http://www.unitedstatesaction.com/nuclear-low-yield-weapons-impact.htm> (accessed 7 May 2013).

Not as catastrophic as a NUDET, it is difficult to imagine the scope of the problem should a shift in the New Madrid fault line occurs. The last shift of the fault line occurred in 1895, and resulted in a 7.7 magnitude earthquake. According to a recent study by the University of Illinois, a 7.7-magnitude earthquake along the New Madrid

fault in current times would leave 3,500 people dead, more than 80,000 injured, and more than 7 million homeless. It is difficult to comprehend the second-order effects on national infrastructure such as oil and gas lines, the destruction of rail lines, or manufacturing plants. Toxic industrial chemicals and materials would likely leech out of the large manufacturing plants within the region and contaminate food and water sources.

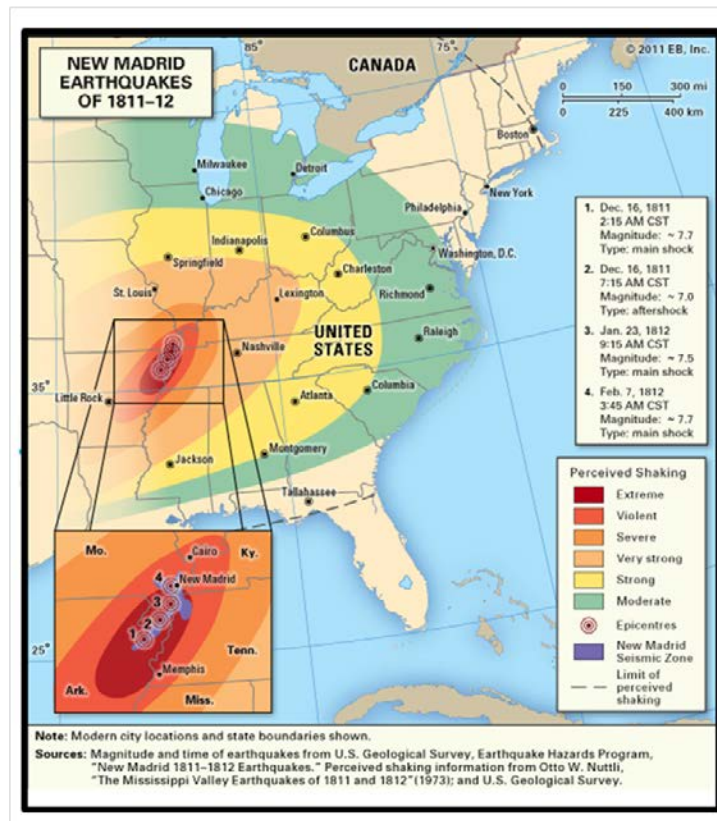


Figure 3. Impact of New Madrid Fault line shift in 1811

Source: Encyclopedia Britannica, "New Madrid Earthquakes of 1811-1812," <http://www.britannica.com/EBchecked/media/145445/Map-of-the-New-Madrid-earthquakes-of-1811-12> (accessed 1 May 2013).

Research Question: Should the Department of the Army designate a full-time organizational structure at the tactical level to conduct DSCA, in order to reduce the effects of statutory and regulatory restriction on operations while simultaneously increasing the efficacy of Title 10 Army units conducting DSCA?

### Limitations

Research was limited to the size, component, and number of Title 10 Department of the Army units currently designated to conduct DSCA missions in support of CBRN Response Enterprise (CRE). The thesis will cover ten years time, from Hurricane Katrina through March 2013. The withdrawal of United States DA forces from Iraq and Afghanistan illustrates the increased availability of forces to fulfill a DSCA mission. Areas of DA mandatory training was explored to determine if training guidance has changed or modified to facilitate the involvement of Title 10 forces at large to participate in DSCA operations in the capacity under the Immediate Response Authority at local installations. Due to the breadth of a DSCA mission and other DoD assets involved, this research will focus solely on the Army's processes and capabilities to execute DSCA.

The limitations of the thesis are critical to understand what measures DA implemented to source and prioritize DSCA missions and what further improvements present opportunities to improve the overall effectiveness and efficiency of the response enterprise. The research will consider the breadth of the Army and the number of forces designated to serve in the DSCA role. It will not be able to determine the exact number of personnel trained at the individual level to perform in a DSCA capacity. Additionally, the research will not attempt to assess nor quantify the exact capabilities leveraged by placing active duty Title 10 components on permanent DSCA mission orders.

### Assumptions

This research paper will assume that no major changes will occur governing the legislation of DSCA, including the Posse Comitatus Act, Robert T. Stafford Act, the Economy Act, the Insurrection Act or Immediate Response Authority. Any changes in legislature could nullify the ability for Title 10 forces to provide DSCA, or significantly alter the legal parameters for Title 10 Army forces to conduct DSCA.

The research paper will further assume that non-state actors will continue to attempt terrorist acts on US soil or areas of US interest which would quickly overwhelm local authorities. In those circumstances, the research assumes local governors will request assistance from Title 10 forces under the Robert T. Stafford Act following a Presidential Declaration of National Disaster.

### Definition of Terms

Area Commander: Area Commanders manage multiple incident commanders, and are often designated at large incidents, which cover multiple jurisdictions.

CCMRP: the Chemical, Biological, Radiological, Nuclear, and High Yield explosive, Consequence Management Response Force consisting of units operating under the tasking of US Forces Command to provide forces to support civil authorities on an as-needed basis within a specified timeline.

DCRF: Defense Chemical, Biological, Radiological, Nuclear, and High Yield Explosive Reactionary Force consisting of units operating under the tasking of US Forces Command to provide forces to support civil authorities on an as-needed basis within a specified timeline.

Defense Support of Civil Authorities: Support provided by U.S. Federal military forces, National Guard, DoD civilians, DoD contract personnel, and DoD component assets, in response to requests for assistance from civil authorities for special events, domestic emergencies, designated law enforcement support, and other domestic activities. Support provided by National Guard forces performing duty is DSCA, but executed as a State-directed action also known as civil support.<sup>15</sup>

Federal Emergency Management Agency (FEMA): FEMA is an agency of the US Department of Homeland Security, initially created by Presidential Reorganization Plan No. 3 of 1978. The primary purpose of FEMA is to coordinate the response to a disaster that has occurred in the United States that overwhelms the resources of local, state, or tribal authorities.

Immediate Response Authority: A Federal military commander, DoD Component Head's, and/or responsible DoD civilian official's authority temporarily to employ resources under their control, subject to any supplemental direction provided by higher headquarters, and provide those resources to save lives, prevent human suffering, or mitigate great property damage in response to a request for assistance from a civil authority, under imminently serious conditions when time does not permit approval from a higher authority within the United States. Immediate response authority does not permit actions that would subject civilians to the use of military power that is regulatory, prescriptive, proscriptive, or compulsory.<sup>16</sup>

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<sup>15</sup>Department of Defense, Department of Defense Directive 3025.18, *Defense Support of Civil Authorities* (Washington, DC: Government Printing Office, September 2012).

<sup>16</sup>*Ibid.*

Incident Commander: The lead individual who sets objectives, strategies, and priorities for an incident. The Incident Commander has overall responsibility for resources and employment of resources at an incident.<sup>17</sup>

Insurrection Act: allows the president to use U.S. military personnel at the request of a state legislature or governor to suppress insurrections. It also allows the president to use federal troops to enforce federal laws when rebellion against the authority of the U.S. makes it impracticable to enforce the laws of the U.S.<sup>18</sup>

Local Government: Local is defined as “(A) a county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or interstate government entity, or agency or instrumentality of a local government; (B) an Indian tribe or authorized tribal organization, or in Alaska a Native village or Alaska Regional Native Corporation; and (C) a rural community, unincorporated town or village, or other public entity.”<sup>19</sup>

Major Disaster: As defined under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122), a major disaster is any natural catastrophe (including any hurricane, tornado, storm, high water, wind-driven water, tidal wave,

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<sup>17</sup>Federal Emergency Management Agency, “Incident Commander and Command Staff Functions,” [http://training.fema.gov/EMIWeb/IS/IS100HE/SM\\_PDF/L4\\_ICS100HigherEd\\_SM.pdf](http://training.fema.gov/EMIWeb/IS/IS100HE/SM_PDF/L4_ICS100HigherEd_SM.pdf) (accessed 21 December 2012).

<sup>18</sup>Title 10 USC, Sections 331-335, [http://uscode.house.gov/download/title\\_10.shtml](http://uscode.house.gov/download/title_10.shtml) (accessed 18 December 2012).

<sup>19</sup>United States Government, *Homeland Security Act* (Washington, DC: Government Printing Office, 2002), [http://www.dhs.gov/xlibrary/assets/hr\\_5005\\_enr.pdf](http://www.dhs.gov/xlibrary/assets/hr_5005_enr.pdf) (accessed 19 December 2012).



tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought) or, regardless of cause, any fire, flood, or explosion, in any part of the United States, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under this act to supplement the efforts and available resources of States, local governments, and disaster relief organizations to alleviate the damage, loss, hardship, or suffering caused thereby.<sup>20</sup>

National Incident Management System (NIMS): Based upon emergency management and incident response practices, NIMS represents a core set of doctrine, concepts, principles, terminology, and organizational processes that enables effective, efficient, and collaborative incident management.<sup>21</sup>

National Response Framework: The National Response Framework (NRF) is a guide to how the nation conducts all-hazards response. The NRF guides a scalable, flexible, and adaptable coordinating structure to align key roles and responsibilities across the nation, linking all levels of government, nongovernmental organizations, and the private sector in a disaster response.

NORTHCOM: United States Northern Command is a joint headquarters element located in Peterson AFB, Colorado that is the lead DoD agency for coordinating and executing homeland defense and DSCA.

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<sup>20</sup>42 United States Code Section 5122, [http://uscode.house.gov/download/title\\_42.shtml](http://uscode.house.gov/download/title_42.shtml) (accessed 21 December 2012).

<sup>21</sup>Federal Emergency Management Agency, “Understanding National Incident Management System,” [http://training.fema.gov/EMIWeb/is/IS700a/SM%20files/IS700A\\_StudentManual\\_L2.pdf](http://training.fema.gov/EMIWeb/is/IS700a/SM%20files/IS700A_StudentManual_L2.pdf) (accessed 21 December 2012).

Posse Comitatus Act: Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or Air Force as a Posse Comitatus or otherwise to execute the laws.<sup>22</sup> This law specifies federal military forces will not enforce local laws; there are very stringent exceptions for exigent circumstances under temporary conditions with the exception of the Insurrection Act.

Robert T. Stafford Act: The Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288, as amended, 42 U.S.C. §§ 5121-5206, and implementing regulations in 44 C.F.R. §§ 206.31-206.48, provide the statutory framework for a Presidential declaration of an emergency or a declaration of a major disaster. Declarations of major disaster open the gateway for a wide range of federal resources to assist local authorities to deal with the emergency disaster.<sup>23</sup>

Toxic Industrial Chemicals/Toxic Industrial Materials: Toxic industrial chemicals and materials are materials, which can leak from an industrial facility after a catastrophic event such as the New Madrid fault line shift. They can result in contaminated water sources, food sources, or have a variety of other second-order effects on critical infrastructure, while significantly hampering relief efforts in the area.

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<sup>22</sup>18 United States Code Section 1385, <http://www.gpo.gov/fdsys/granule/USCODE-2011-title18/USCODE-2011-title18-partI-chap67-sec1385/content-detail.html> (accessed 12 November 2012).

<sup>23</sup>Elizabeth B. Bazan, *Robert T. Stafford Disaster Relief and Emergency Assistance Act: Legal Requirements for Federal and State Roles in Declaration of an Emergency or a Major Disaster* (Washington, DC: Government Printing Office, 2005), <http://fpc.state.gov/documents/organization/53688.pdf> (accessed 23 September 2012).

## Conclusion

The evolving global threats combined with environmental changes mandate that we are prepared as a nation to respond quickly and efficiently to manage or mitigate the effects of a disaster, to save lives and mitigate human suffering. The totality of the circumstances encountered in a DSCA is difficult to fathom, and the consequences of violating PCA can be severe. The physical environment is likely to be widespread chaos with thousands of dead and dying people and infrastructure devastation unable to support the populace. Title 10 forces must respond. They must have pre-existing rehearsed relationships and understandings of the statutory restrictions on their employment in a DSCA capacity.

Complications arising from the subordination of military forces to civilians have potential for serious problems. Those civilians may not fully understand the legal constraints of military employment, or appreciate the ramifications of improper utilization. The complexities of the mission and the austerity of the environment mandate military forethought in order to maximize effectiveness and stay within the confines of legality.

As the Army ponders the future of force structure, there must be evaluations done to ensure the Army can execute DSCA operations. With the creation of NORTHCOM and its relationships with ARNORTH and JTF-CS, strides towards the civil support mission at the higher headquarters/FEMA level have produced positive results. The evolutions of CCMRF, DCRF, HRF, CST, and the CBRN Response Enterprise in general are steps of progress, but the CBRN response enterprise can still improve.

## CHAPTER 2

### LITERATURE REVIEW

#### Introduction

This chapter reviews literature as it pertains to the Department of the Army Support of Civil Authorities (DSCA) mission. The intent of the literature review is to afford the researcher the opportunity to become thoroughly familiar with the research topic. DSCA has been the focus of many studies especially after Hurricane Katrina. DSCA has been the focus of research, writings, studies, and investigations in various formats while using a variety of approaches of its successes and failures. This chapter will cover the relevant doctrine and policies, practices, techniques, procedures and recommendations for units conducting DSCA.

The author sets out to answer how to increase the efficacy of Title 10 Department of the Army forces executing a DSCA mission. After Hurricane Katrina, DSCA became a hotbed for congressional and independent investigations, White House investigations reports, thesis, and dissertations. The reason for those motivations were due to the general failings of Title 10 military integration into the disaster response and speed of capabilities leveraged to save lives and mitigate human suffering. Many of those Congressional Reports, testimonies and after action reviews highlight the statutory constraints inhibiting DoD's effectiveness during response to domestic disasters. Those reports reinvigorated the efforts to increase Title 10 preparation to perform DSCA.

## National Policy

In the National Defense Strategy, the President of the United States designates DSCA as a top priority for the Department of Defense. In March 2011, the President of the United States signed Presidential Policy Directive 8 to strengthen “the security and resilience of the United States through systemic preparation for the threats that pose the greatest risk to the security of the Nation, including acts of terrorism, cyber attacks, pandemics, and catastrophic natural disasters.”<sup>24</sup> In Presidential Policy Directive 8, President Barack Obama specifies:

Our national preparedness is the shared responsibility of all levels of government, the private and nonprofit sectors, and individual citizens. Everyone can contribute to safeguarding the Nation from harm. As such, while this directive is intended to galvanize action by the Federal Government, it is also aimed at facilitating an integrated, all-of-Nation, capabilities-based approach to preparedness.<sup>25</sup>

## Department Of Defense Policy

Bridging National Policy and Army Doctrine is Department of Defense Policy. These documents are directive in nature and provide specificity on the parameters and conditions, which DoD will respond to assist civilian authorities. Joint Publications apply to all services within the Department of Defense, and further hone responsibilities of the different services. These policy documents are relevant because they further explain duties, roles, responsibilities, and constraints of conducting DSCA.

Department of Defense Directive 3025.18 outlines DoD’s role in providing DSCA. Directive 3025.18 specifies all requests for DSCA be written and contain a clause

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<sup>24</sup>Department of the Army, Army Doctrine Publication (ADP) 3-28, *Defense Support of Civil Authorities* (Washington, DC: Government Printing Office, November 2009), 1.

<sup>25</sup>The White House, Presidential Policy Directive 8, 1.

committing to reimburse money spent by DoD for executing the assistance needed. This reimbursement to DoD is in accordance with the “The Stafford Act” and section 1535 of Title 31 of the United States Code also known as “The Economy Act.” The only exempt requests for DSCA are in situations covered by the immediate response authority (IRA) and automatic or mutual aid where preexisting memorandums of agreement are entered between local law enforcement and a military installation.<sup>26</sup> Due to the circumstances that would trigger IRA, the DSCA response is normally under emergency conditions and expected to be a very short duration. Due to the nature of IRA, the need for DSCA does not require written notification or reimbursement. DODD 3025.18 also provides guidance for approval of DSCA missions, specifying the requests evaluation criteria of cost, appropriateness, readiness, risk, legality, and lethality. These six parameters are a guideline to prevent the DoD from becoming entangled into a mission set which is inappropriate or illegal or both.

DODD 5105.83 is the directive, which specifies the National Guard Joint Force Headquarters–State policy and defines the organization and management, responsibility and functions, relationships, and authorities of the National Guard Joint Force Headquarters State in each of the 54 states and territories. The main intent of the DoD directive is not to limit the powers of the governor of any state to use their Title 32 forces. However, it does specify baseline capabilities, which must be in each Joint Force Headquarters with the overall concept of synchronizing forces within the state and across the Army and Air Force capability sets, and interaction between Title 10 and Title 32

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<sup>26</sup>Department of Defense, Department of Defense Directive 3025.18, 21 September 2011), 3.

components. Title 10 forces must understand the different roles and restrictions between Title 10 and Title 32 because they will often be working together as part of a DSCA response.

Joint Publication 3-28 is the capstone document for DoD when conducting DSCA. It sets forth joint doctrine to govern the activities and performance of the Armed Forces of the United States in civil support operations and provides the doctrinal basis for interagency coordination during domestic civil support operations.<sup>27</sup> While Homeland Defense and Civil Support missions are distinct, some department roles and responsibilities will overlap and require extensive coordination between lead and supporting agencies.<sup>28</sup> Homeland Defense refers to DoD overseas actions, which has a secondary effect of Homeland Security such as reducing terrorist networks through prosecution of the Global War on Terror. Civil Support (CS) operations supported by Department of Defense war-fighting capabilities can apply to foreign domestic assistance or law enforcement support missions.<sup>29</sup> JP 3-28 further discusses the general framework of a DSCA response, covering the response framework, the civil support framework, and the homeland security directive.

Joint Publication 3-33, Joint Task Force, addresses DSCA in several areas. The foremost component addressed is the confusion yet criticality of the Standing Rules for the Use of Force (SRUF) while conducting DSCA operations. SRUF provide operational

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<sup>27</sup>Department of Defense, Joint Publication (JP) 3-28, *Civil Support* (Washington, DC: Government Printing Office, September 2007), 1.

<sup>28</sup>*Ibid.*, vii.

<sup>29</sup>*Ibid.*

guidance and establish fundamental policies and procedures governing the actions taken by DoD forces performing DSCA missions and routine Service functions (including FP duties) within US territory.<sup>30</sup> It is important to highlight that in a DSCA mission the use of non-lethal, less than lethal or scalable weapons systems may present unique and attractive options to forces conducting DSCA, making it important to include in the SRUF. Further, unit commanders at all levels must teach and train their personnel how and when to use both nonlethal and lethal force in self-defense.<sup>31</sup> Finally, the JP highlights the challenges of command and control as well as coordination synchronization challenges when part of a joint task force conducting DSCA.

The Chairman of the Joint Chiefs of Staff (CJCS) DSCA Execution Order directs DSCA operations in support of the National Response Framework (NRF) and identifies primary agencies in the NORTHOM and USPACOM domestic geographic areas. It also specifies minimum capability sets needed for different scales of disaster, and how the request for assistance process works with the Defense Coordination Officer/Element (DCO/E) to Federal Emergency Management Agency or the Primary Agency.

The United States Northern Command DSCA Execution Order outlines how the headquarters will employ DOD forces specified in the CJCS EXORD in support of federal agencies in the NORTHCOM area of operations. NORTHCOM contingency plan 3501 is the Geographic Combatant Commander (GCC) plan to support the employment of Title 10 forces providing DSCA. It is in accordance with the National Response

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<sup>30</sup>Department of Defense, Joint Publication (JP)3-33, *Joint Task Force Headquarters* (Washington, DC: Government Printing Office, July 2012), IV-10.

<sup>31</sup>*Ibid.*



Framework, applicable federal laws, DOD Directives, and other policy guidance including those hazards defined by the National Planning Scenarios not addressed by other Joint Strategic Capabilities Plan tasked plans.

#### Department of the Army Doctrine

The Army primary DSCA tasks are to provide support for domestic disasters, provide support for domestic CBRN incidents, provide support for domestic civilian law enforcement agencies, and provide other designated support.<sup>32</sup> Given the ambiguity of those primary assigned tasks, it is clear that the Army is to fill any mission to support any disaster. This ambiguity adds to the importance of preparation at the brigade and below level. The overall goals for DSCA operations are very direct: save lives, alleviate suffering, and protect property.<sup>33</sup> In DSCA, military forces support a primary agency (PA) managed by civilians. Most military leaders prefer to be in charge of their forces, and are reluctant to subordinate themselves and forces to civilians with little or no military experience. The command of military forces remains within military channels, but missions begin as request for assistance (RFA) from the supported civil authorities.<sup>34</sup> ADP 3-28 further explains the processes for request for assistance approval, and the importance of prioritizing requests accomplish the three goals of DSCA.

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<sup>32</sup>Department of the Army, Army Doctrine Publication (ADP) 3-28, *Defense Support of Civil Authorities* (Washington, DC : Government Printing Office, November 2009), figure 1.

<sup>33</sup>*Ibid.*, 5.

<sup>34</sup>*Ibid.*, 6.

### Federal Emergency Management Agency Policy

The Federal Emergency Management Agency will be present during any DSCA mission. Their policies are critical to understand since they will be the primary federal response agency to any disaster. Their responsibilities will be primarily to coordinate assets at the disaster. The creation of a Defense Coordination Element (DCE) within each FEMA region highlights the importance of the military's role in disaster response, and the need to establish relationships and understandings between the two organizations. The Defense Coordination Officer, typically an active duty colonel (O6), leads each Defense Coordination Element. The DCO is the primary liaison between military forces conducting DSCA and the civilians who are likely to be managing the disaster response. By policy, FEMA acknowledges that the relationships between primary agency response and the Department of Defense can be difficult. While there are numerous sources available on-line and in databases that may be available to provide emergency managers information on military resources, the best practice is for emergency managers to establish relationships with commanders and/or emergency preparedness officials within their respective communities before disaster strikes.<sup>35</sup> In fact, there is a tremendous amount of success from positive relationships and mutual understanding. FEMA recommends, "military and civilian organizations should plan, train, and exercise

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<sup>35</sup>Department of Homeland Security, *Considerations for Fusion Center and Emergency Operations Center Coordination: Comprehensive Preparedness Guide* (Washington, DC: Government Printing Office, May 2010), [http://www.fema.gov/pdf/about/divisions/npd/cpg\\_502\\_eoc-fusion\\_final\\_7\\_20\\_2010.pdf](http://www.fema.gov/pdf/about/divisions/npd/cpg_502_eoc-fusion_final_7_20_2010.pdf) (accessed 12 January 2013).

together.”<sup>36</sup> FEMA has developed a training program designed to teach civilian leaders how to incorporate military forces during disaster relief operations.

IS-75, Military Resources in Emergency Management (MREM), was developed in response to requests from state, local and tribal emergency managers who are either researching best practices for integrating military support resources into their existing emergency operations plans and procedures ( e.g., Military Support Emergency Support Function), or, are becoming aware of the U.S. Department of Defense’s mission to provide support of civil authorities in man-made and/or natural disaster incidents.<sup>37</sup>

There is little doubt in the author’s mind that much of the importance of working and training together is to build key relationships, understand how the other entities operate, how best to synergize effects, and increase the speed of response.

#### RAND Corporation

The RAND Corporation presented a monograph, “Hurricane Katrina: Lessons for Army Planning and Operations,” which focused on the role of the National Guard in DSCA operations. The report recommended a series of reorganizations of the National Guard with the roles and missions it would be conducting. A second RAND report titled *Advisory Panel Department of Defense Capabilities for Support of Civil Authorities After Certain Incidents, Before Disaster Strikes, Imperatives for Enhancing Defense Support of Civil Authorities* was reviewed. The reports are provocative in nature and highlight some startling gaps in Department of the Army’s lack of planning, resourcing, and ability to

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<sup>36</sup>Ibid.

<sup>37</sup>Federal Emergency Management Agency, *Military Resources in Emergency Management* (Washington, DC: Government Printing Office, May 2011), [http://training.fema.gov/EMIWeb/IS/IS75/Instructor%20Guide/IS75\\_Course\\_IG\\_FINAL\\_051111.pdf](http://training.fema.gov/EMIWeb/IS/IS75/Instructor%20Guide/IS75_Course_IG_FINAL_051111.pdf) (accessed 30 December 2012).

execute DSCA. There has been progress made of the recommendations, but realistic solutions to improve the efficacy of DA DSCA response still exist.

### Other Scholarly Works

The author reviewed other master's thesis from the United States Army Command and General Staff Officer College, the Naval Postgraduate and Senior Service Colleges. Thorough research conducted by research analysts within the Combined Arms Research Library generated hundreds of documents worthy of analysis and potential inclusion into the thesis.

### Conclusion

The exhaustive list of literature reviewed as it pertained to the Department of the Army executing the DSCA mission ensured a comprehensive, broad scope perspective. During the literature review due diligence was taken to ensure broad research materials were considered. Some articles and documents reviewed, although not directly in line with DoD or DA policy, were relevant, germane in nature to this research topic, and important to understanding the overall picture of DSCA. Research also included other materials baring impact, from the Combined Arms Research Library, the Naval War College, the Army War College, as well as past Masters of Military Arts and Sciences and Studies of Advanced Military Sciences thesis.

## CHAPTER 3

### RESEARCH METHODOLOGY

The basis for this qualitative study is the availability of materials and research papers written on the topic, personal experiences and desired outcome of recommendations. There are four characteristics of qualitative research.<sup>38</sup> The first characteristic of a qualitative research is that the study examines how the individual parts of the study work together to affect the whole.<sup>39</sup> This study will break down elements of the DSCA mission into component areas in order to assess improvements and potential improvements. Second, in all forms of qualitative research the researcher is the primary instrument for data collection and analysis.<sup>40</sup> The author gathered, evaluated, interpreted, and synthesized the data. The third characteristic of qualitative research it usually involves fieldwork.<sup>41</sup> The fourth characteristic is that the qualitative research primarily employs an inductive research strategy, built on concepts and hypotheses, rather than tests of theory.<sup>42</sup> Understanding the totality of the response enterprise, the complexity of a situation - its linkages and individual nuances made this study non-conducive to a quantitative study. DSCA is a heavily personality based business, which will involve every different personality type. This study is heavily contextual - leading the reader to

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<sup>38</sup>Sharan B. Merriam, *Qualitative Research and Case Study Applications in Education* (San Francisco, CA: Jossey-Bass, 1998), 6.

<sup>39</sup>*Ibid.*, 10.

<sup>40</sup>*Ibid.*

<sup>41</sup>*Ibid.*

<sup>42</sup>*Ibid.*

understand the exigent circumstances and environments where a DSCA mission will likely occur, and bring the reader into an understanding of the experience and process.

### Data Sources

The Combined Arms Research Library provided data sources for this research paper. The author reviewed scholarly works written by students at the Naval War College, the Army War College, School of Advanced Military Studies, and other articles from the Combined Arms Research Library. Consideration to policies, procedures, regulations, and SOPs from a variety of sources was included into the research paper. The author considered multiple additional resources, archival records, and first and second hand interpretive data.

### Data Collection

Data collection began because of an assignment to this topic and an interest in DSCA. The complex relationships, diverse mission set and exigent circumstances of the DSCA role are both a personal and professional interest. The author graduated DSCA level one and two courses taught by Army North, and served as a battalion operations officer during a one-year rotation on the Chemical, Biological, Radiological, Nuclear, and High Yield Explosives (CBRNE) enterprise response force for Task Force Operations. The experiences from the validation exercise at Muscatatuck Urban Training Center validated the authors concerns of complications for units performing the DSCA mission.

Data collection expanded when the opportunity to write this paper presented itself. Research assistants from the Combined Arms Research Library at Fort

Leavenworth, Kansas assisted with data collection. The author consulted personal and professional colleagues from Army North, the Federal Emergency Management Agency and colleagues serving in current CBRN Consequence Management units.

### Researchers Role

Due to the nature of a qualitative research study being the relationships between many components and evaluating their outcomes it is responsible to disclose potential biases. The author's biases for this topic include three key areas, which consist of education and experiences with DSCA prior to conducting research for this paper. The first source of bias is the education from the DSCA level one online course, which gives the basic ground knowledge for DSCA operations. The second source of bias is the education gained by attending the resident DSCA level two course provided by Army North. The DSCA level two courses provided more executive level knowledge of the DSCA to include topics such as the National Response Framework, the doctrine and policy that regulates DSCA at a National Level, the request for assistance process and the Defense Coordinating Officers role in the DSCA process. The third source of bias is a yearlong role as a battalion operations officer within the Chemical, Biological, Radiological, Nuclear, and High Yield Enterprise Response Force. Working within the CBRN Response enterprise for one year gave me a unique opportunity to learn and digest the intricate relationships between the units assigned to the response force mission and JTF-CS. The individual experiences of the author are the product of interpretation of experiences while conducting DSCA missions for one year as part of the CBRNE Consequence Management Response Force 11.1 while assigned to the 93d Military

Police Battalion. The culminating validation exercise Operation Vibrant Response 11.1 highlighting many areas of concern for DSCA operations.

### Data Analysis

This thesis attempts to answer the question: how the Department of the Army can best increase the efficacy of forces performing in the DSCA role? In order to answer the question the research focuses on DSCA's legal frameworks through exploration of current policies and regulations. Finally, an examination of shortfalls and remedies should result in the latent capability or process gaps remaining for DSCA, which can be the focus of further efforts to increase efficacy of response.

The context of Title 10 forces operating in a DSCA capacity is a major element of its very nature. Identifying the conditions under which a DSCA mission could occur vary as widely as the capacity of civil authority across the 54 states and territories. Further, the personalities, authorities, and relationships built at an event will vary significantly.

The research is categorized in three phases: analysis of regulation and policy governing the use of Title 10 forces in the performance of DSCA, evaluating lessons learned from the use of DoD forces in DSCA, and review of the gaps between policy and execution, which still exist. By reviewing these documents in a logical sequence, this thesis will uncover existing gaps between civilian and military forces while conducting disaster relief operations.

Analysis of regulation and policy explores the latest guidance published by the DoD regarding DSCA. In 2009, the Rand Corporation conducted a study and submitted a report to Congress and stated that seven key DoD Directives relating to DSCA were out of date, the most critical one was dated 1986. Further, civil authorities looking to learn



more about how to integrate military forces into a disaster response would have to search through multiple directives and determine what specific conditions may apply to specific disasters in a case-by-case basis. In all, the Rand study found DoD guidance for all forms of DSCA is fragmented, incomplete, and outdated.<sup>43</sup>

Reports submitted to Congress from independent research firms which contain historical overview and critical analysis of the validity and necessity of certain aspects of the USC will be included. The author focuses attention on the Posse Comitatus Act and Title 10 restrictions in the performance of assistance to local officials. The author examined doctrine from agencies affected in DSCA, including several primary agencies such as DHS, FEMA, DoD, and NORTHCOM.

The second component of research is to examine after action reports from disasters, which included DoD forces as part of the response package. It is critical to understand where the gaps were from a historical perspective, and how those lessons learned have affected change to the DoD response enterprise. These after action reports will come from a variety of sources, including professional journals, independent research firms and articles, as well as unofficial initial reports from recent Superstorm Sandy.

Finally, analysis of current policy and doctrine to identify lessons learned from past disasters in order to recommend further changes to the Army CBRN response enterprise. The gap analysis will focus entirely on Department of the Army efforts and

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<sup>43</sup>Steve Abbot et al., “Advisory Panel Department of Defense Capabilities for Support of Civil Authorities After Certain Incidents, Before Disaster Strikes, Imperatives for Enhancing Defense Support of Civil Authorities,” <http://www.rand.org/content/dam/rand/www/external/nsrd/DoD-CBRNE-Panel/Report-Advisory-Panel.pdf> (accessed 28 April 2013).

actions. It is fact that disasters are a local government problem. Analysis will focus on process and procedural change to increase the efficacy of Title 10 Army forces performing DSCA.

#### Verification/Validation

Member checking and peer review ensured overall soundness of the quality and research. The author conducted peer review by students at the Command and General Staff Officer College generally unfamiliar with Department of the Army DSCA. The author submitted the paper to professional colleagues who work at Army North to ensure context and accuracy of information. The desired outcome of the peer review is a non-biased review of the thesis to ensure due diligence and conformability has occurred, guaranteeing reliability of data and its interpretation.

## CHAPTER 4

### ANALYSIS AND FINDINGS

#### Introduction

This chapter presents the information discovered during research in an effort to uncover process gaps, which limit the efficiency and effectiveness of Title 10 Department of the Army (DA) forces, employed in a DSCA (DSCA) role. Extensive knowledge of the evolution of DA DSCA processes and capabilities will help the reader better understand the challenges and potential areas for improvement. The main topic areas to give the reader a better understanding are the historical background to the response enterprise, the request for assistance process, policy changes, and challenges of employing Army Title 10 forces in DSCA. Findings concluded that throughout the Title 10 response enterprises there are command and control complexities which affect the ability to train and adequately equip units, which then contributes to response and interoperability gaps.

#### Outcomes

The research question for this thesis is should the Department of the Army designate a full-time organizational structure at the tactical level to conduct DSCA in order to reduce the effects of statutory and regulatory restriction effects on operations while simultaneously increasing the efficacy of Title 10 Army units conducting DSCA. To understand if the Army should designate a full time tactical level entity it is imperative to describe the current enterprise and the complexities uncovered during the course of the research.

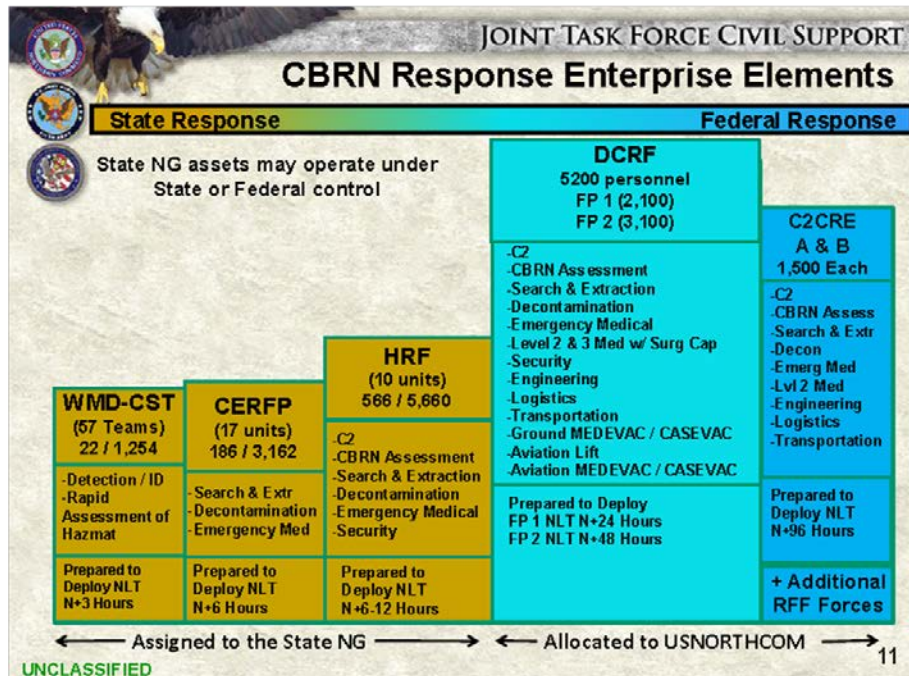


Figure 4. CBRN Response Enterprise

Source: Joint Task Force Civil Support and Domestic CBRN Response, <http://www.dtic.mil/ndia/2012CBRN/Collins.pdf> (accessed 28 April 2013).

Initial disaster response enterprises belong to state National Guard. The current Title 10 response enterprise allocated to NORTHCOM is the DCRF, which consists of multiple separate task forces led by an active duty Title 10 senior officer, normally a full colonel (O6). As shown in figure 5, the main elements of the DCRF are Task Force Medical, Task Force Aviation, Task Force Logistics, and Task Force Operations and two Command and Control CBRN elements.

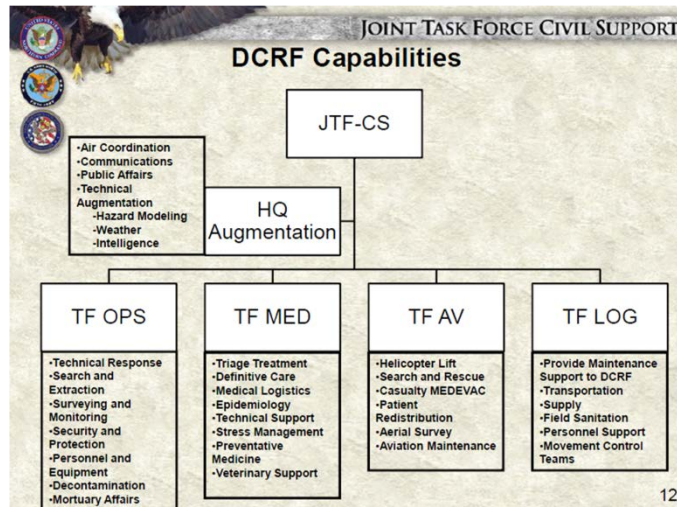


Figure 5. 2012 DCRF Organization and Mission Capabilities

*Source:* Joint Task Force Civil Support and Domestic CBRN Response, <http://www.dtic.mil/ndia/2012CBRN/Collins.pdf> (accessed 28 April 2013).

The main problem with the response enterprise is its composition and geographic dispersion. Both active and reserve component units spread across more than twenty locations across the United States fill the CRE. The units subordinate to the individual task force headquarters all share separate company, battalion, and brigade headquarters prior to alert and deployment to a disaster. Distinct garrison or parent headquarters on different installations inhibit the ability of each task force to exert command and control over the subordinate units.

The first finding of research is the disjointed command structure challenges training and requirements. On a positive note, the missions performed by both Task Force Medical, and Task Force Aviation are doctrinal missions. However, missions executed by Task Force Operations are non-doctrinal missions, primarily consisting of survivor information points and community wellness checks. Compounding this lack of training

and training oversight is the fact Task Force Operations will be the name and face of the Title 10 response effort to victims of the event or disaster. If the soldiers within Task Force Operations have not trained to their disaster mission tasks due to their garrison pre-deployment headquarters non-support, the results could be significantly degraded. Given the non-doctrinal mission set, Task Force Operations should be the primary focus for change from a risk management perspective. While the other two task forces are integral to the success of the enterprise, the missions they perform during disaster response are the same tasks they perform in garrison.

The current generation of Title 10 response enterprise is not 100 percent active duty, yet the response goal is 24-48 hours. Even a division ready brigade's response timeline is ambitious for an active duty unit—but normally considered 72 hours. It is very difficult to expect a US Army Reserve unit to conduct a 100 percent recall, load, and deployment with the response period of 24 to 48 hours. Further, it is imperative to understand the unit will likely conduct reception and staging operations during the conduct of disaster response missions due to the exigent circumstances of a DSCA operation.

Themes throughout the research indicated the disjointed command structure caused several problems. The first is training challenges, when units do not train together the execution of tasks is degraded. A close byproduct of the command structure problems is the fact most units rotate into the CRE on an annual basis, making equipping of units with civilian interoperable equipment nearly impossible. An associated problem is the lack of training on civilian interoperable equipment and understanding the systems civilians use in the event of a disaster. The last effect of the disjointed command structure

is impaired responsiveness. Response times would improve if units regularly trained on short notice response and postured in a location enabling rapid deployment.

#### Finding One: Command and Control Challenges

The Department of Defense's (DOD's) Northern Command began its alert and coordination procedures before Katrina's landfall. However, many deployed units did not reach the affected area until days later. Both the National Response Plan and DoD's own Homeland Security Doctrine lay out extensive procedures and specific decision points in an attempt to ensure an organized response to catastrophic incidents. It may now be necessary to examine those procedures and the actions of responsible authorities to determine whether procedural obstacles, administrative failures, or both delayed the arrival of needed resources in the affected area.<sup>44</sup>

Disasters are never simple and they are never easy. There are often second and third order effects cascading and exacerbating simple problems into complex situations. Compounding disaster response is the need to coordinate horizontally across multiple response entities while simultaneously coordinating vertically for logistical support and effort priorities. Exigent circumstances often exist and people could be dying, while critical infrastructure is collapsing around civilian authorities unable to manage the situation. Maximum preparation and planning prior to the disaster is critical to ensure a comprehensive and effective response. DoD and DA have managed to provide federal response to Presidentially declared disaster, but it has not been without difficulty.

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<sup>44</sup>Steve Bowman, Lawrence Kap, and Amy Belasco, "Hurricane Katrina: DOD Disaster Response," <http://www.fas.org/sgp/crs/natsec/RL33095.pdf> (accessed 13 January 2013).

On 27 August 2005, President Bush declared a state of emergency in Louisiana and a Defense Coordinating Officer began organizing a response the next day, with Hurricane Katrina reaching landfall on 29 August. On 1 September, nearly 3,000 active duty personnel deployed into the disaster area conducting DoD medical airlift operations with another 11,000 federal soldiers from the 82nd Airborne and 1st Cavalry Divisions due to arrive within four days. It is important to note the units, which took four days to respond were active duty military units expected to deploy on short notice. LTG Russell Honoré was the appointed to Command Joint Task Force Katrina to synergize federal and DoD resource coordination. It was LTG Honoré's leadership, combined with DoD's resources, manpower, and advanced planning, contributed to the military's success in the federal response, especially in areas such as rescue, security, and logistical support."<sup>45</sup> However, despite many of the small victories made by federal response forces, the overall view of the federal response was dismal. During the course of the Katrina Response, the Department of the Army realized a critical capability gap in the context of disaster response and DSCA.

In order to bridge the gap in disaster response the Army formally began resourcing forces in 2008 to the CBRNE Consequence Management Response Force as part of a tiered response enterprise. The first tier is the defense coordinating officer and element, the second is Joint Task Force Civil Support, and the third adds the Joint Task Force Consequence Management. The first unit to assume this role was the 1st Brigade

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<sup>45</sup>The White House, *The Federal Response to Hurricane Katrina: Lessons Learned* (Washington, DC: The White House, February 2006), 43.



Combat Team of the 3rd Infantry Division from Fort Stewart, Georgia.<sup>46</sup> The brigade assumed the headquarters role of Task Force Operations of the CCMRF for two years. Subsequent iterations include the 4th Maneuver Enhancement Brigade from Fort Leonard Wood, and the 1st Maneuver Enhancement Brigade, Fort Polk. Each brigade headquarters maintains the mission for approximately twenty-four months and worked with subordinate units, which on average changed mission after twelve months.

The original Department of the Army CBRN response force was the CCMRF and was composed of three distinct subordinate brigades, each commanded by an active duty senior officer, typically a full colonel (O6). Task Force Operations as a general purpose force is used to coordinate with local emergency responders, conduct decontamination operations, survey, monitor, and mark incident sites, provide security for DoD forces; and command and control of DoD general support operations, mortuary affairs, and transportation. To understand the importance of Task Force Operations, they are the name and face of the Army response to the disaster. Compounding this importance is the fact the missions they will likely execute are non-doctrinal. Task Force Medical is a medical brigade able to provide triage and treatment, definitive care, medical logistics, hospital augmentation, epidemiological support, agent technical support, stress management, preventative medicine, veterinary support, and prophylaxis and immunization (primarily in support of response force enterprise personnel). Task Force Aviation provides general aviation support, which includes medical evacuation, medical

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<sup>46</sup>US Air Force, "United States Northern Command to Gains Dedicated Response Force," <http://www.af.mil/news/story.asp?id=123117765> (accessed 8 May 2013).

lift, air transportation for personnel, air transportation for supplies, limited search, and rescue, and limited aircraft support generally for Task Force Operations.

Within the CBRN Response Enterprise, the subordinate units are mostly non-organic to the parent headquarters for disaster response. To clarify, the subordinate units to the separate task force headquarters are not co-located, nor in the normal chain-of-command for Uniformed Code of Military Justice or even full training requirement oversight. The battalions within the Task Forces have similar command relationships with their subordinate companies. The entire response enterprise is comprised of many individual units of different types and sizes (for example, platoons, companies, battalions, and brigades), from multiple military services and DOD agencies, from the Active, Reserve and National Guard components, and are geographically dispersed throughout the United States.<sup>47</sup> For the most part, the brigade headquarters element maintains a liaison type relationship to the battalions and companies under them for the response force enterprise mission. The disjointed command and control adversely affect training and equipping which burdens response timelines and degrades effectiveness of employment.

#### Finding Two: Training and Equipping Challenges

The lack of clear command and control complicates an already complex problem of training for non-doctrinal missions. Each of the battalion and company headquarters

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<sup>47</sup>United States Government Accountability Office, *Homeland Defense: Planning, Resourcing, and Training Issues Challenge DOD's Response to Domestic Chemical, Biological, Radiological, Nuclear, and High-Yield Explosive Incidents* (Washington, DC: Government Printing Office, 2009), <http://www.gao.gov/assets/300/296481.html> (accessed 14 April 2013).

under the task forces has distinct missions and separate headquarters while not mobilized for disaster response. Each headquarters throughout the response enterprise have differing garrison headquarters, which may not invest limited training time to a “just in case” mission. The units spread across the United States have different full-time garrison missions—most of which do not correspond with the response force enterprise mission. Without requirements to provide field training for the full enterprise, which include an assessment of the ability to deploy on no-notice, as may be the case for an actual CBRNE incident; DOD cannot be assured that individual units that do not normally operate together will be able to operate as a unified force.<sup>48</sup> The fact that many Title 10 units within the response enterprise are currently US Army Reserve only furthers the response timeline problem.

Subsequent evolutions of the response enterprise made minor changes to the force structure, primarily to increase the overall capability and reduce certain capacity gaps. Government Accountability Office (GAO) after their 2009 audit of response enterprise systems and capabilities stated “DOD has plans for providing the needed capabilities for CBRNE consequence management, but its response may be insufficient because (1) its planned time frames for responding may not meet incident requirements, (2) the quantity of some key capabilities included in CCMRF may be inadequate, and (3) challenges remain in force structure plans and sourcing CCMRF.”<sup>49</sup> The gap identified from the finding was that the cause for this was the inadequate provision for DSCA in the force

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<sup>48</sup>Ibid.

<sup>49</sup>Ibid.

generation cycle.<sup>50</sup> Simply stated the Army lacked the ability to source the CRE mission due to its obligations in Operation Iraqi Freedom and Operation Enduring Freedom.

Equipment for a unit conducting DSCA must be civilian interoperable. Most of the communications equipment within the Army does not directly work with civilian fire and police departments. As noted in the 2009-RAND study, interoperability issues plague the ad hoc entities within the CBRN response force enterprise. Interoperability can be as simple as the radio systems or computer software used to communicate between military units supporting the civil authorities. For example, Department of Defense Support of Civil Authorities Automated Support System (DDASS) is a disaster software system used to coordinate resources and manage the mission assignment process for forces conducting DSCA. The DDASS software monitors individual request for assistance, tracks the validation and approval of each request for assistance, and enables the defense-coordinating element to mission track as well as cost capture. The DDASS managers are able to manipulate data by different requestors, areas, and priorities. The data is also exportable to visual software systems such as Google Earth. The problem with the conglomerate of software systems is that the bandwidth requirements to operate the systems exceed the typical Command Post Nodes and Joint Network Nodes (CPN/JNN) used to support military units performing DSCA. Network Enterprise Centers on military installations forbid installation of the software. Essentially, military computers on a military network are extremely limited on their ability to work with civilian systems. This equipping shortfall limits the effectiveness of a disaster response.

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<sup>50</sup> Abbot et al.

### Finding Three: Response Challenges

In partial response to the RAND criticism, the DoD evolved the CCMRF into the DCRF. The DCRF increased the total Title 10 force structure from approximately 4700 to 7200, and split them into two separate force packages. The overall capacity of the organization to respond to a disaster almost doubled. Additionally, the two separate force packages provided (in theory) the ability to maintain one force package at a higher readiness level with a capability to respond to a disaster in 24-48 hours anywhere in the United States or its territories.

However, few options were available for the DoD to address the GAO accusations of process and organizational flaws due to the requirements of forces involved in Operation Iraqi Freedom and Operation Enduring Freedom. Inclusion of the Army Reserve provided the additional force structure for the newer response force enterprise. Further, the remainder of the active duty Title 10 forces maintained the same “ad hoc” command relationships with their higher Headquarters for the response enterprise.

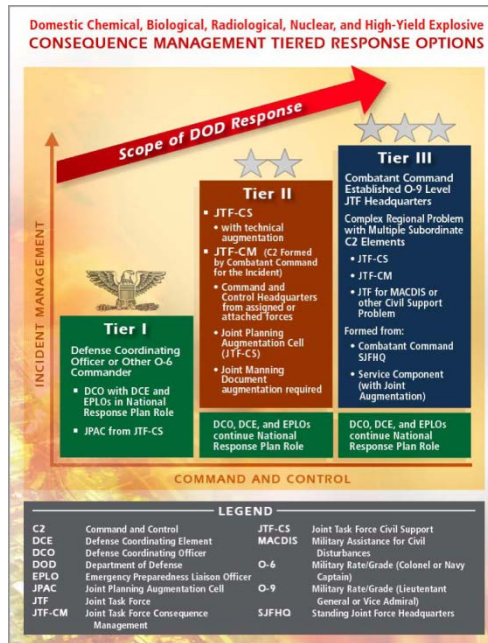


Figure 6. DoD Tiered Response Architecture

Source: Department of Defense, *Defense Support of Civil Authorities Tactical Level Commander and Staff Tool Kit* (Washington, DC: Government Printing Office, 2010), 7.

The DoD created a tiered response to disaster, which has varying levels of capabilities to provide during a disaster. As of 2013, the current DoD capability for CBRN Response Force Enterprise depends on tier one as the base, then builds Title 10 capabilities in tier two. The first tier is National Guard units from their respective states, which include Weapons of Mass Destruction Civil Support Teams (WMD-CST), CBRN Enhanced Response Force Package (CERF-P), and Homeland Response Force Packages (HRF-P). Tier two consists of Title 10 units allocated to NORTHCOM for the DCRF and the Command and Control Chemical, Biological, Radiological, and Nuclear Response

Elements (C2CREs).<sup>51</sup> Additionally, the DoD can always alert and deploy additional units as needed based upon the disaster and discretion of DoD leadership. Since Department of the Army has taken steps to include DSCA as a part of Decisive Action it has become a core task for all Army units. However, by sending additional units who are not specialized on DSCA tasks, Army leadership is underwriting a significant amount of risk. Depending on the circumstances, the risk may be completely acceptable, based on the conditions and loss of life and human suffering.

#### Requests for Assistance

The process for Title 10 forces to assist during a disaster is not complex, but is often misunderstood. A formal request for assistance (RFA) from a state governor to the federal government is a necessary document. There has been cultural push to have the state governors trained to handle disasters and understand the necessary steps to gain federal assistance. Most state governors are reluctant to accept federal mandates for training, and view the federal influence for such training as interfering with their duties as state governors.

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<sup>51</sup>Department of Defense, Joint Publication (JP) 3-41, *Chemical, Biological, Radiological, and Nuclear Consequence Management* (Washington, DC: Government Printing Office, June 2012), II-6.

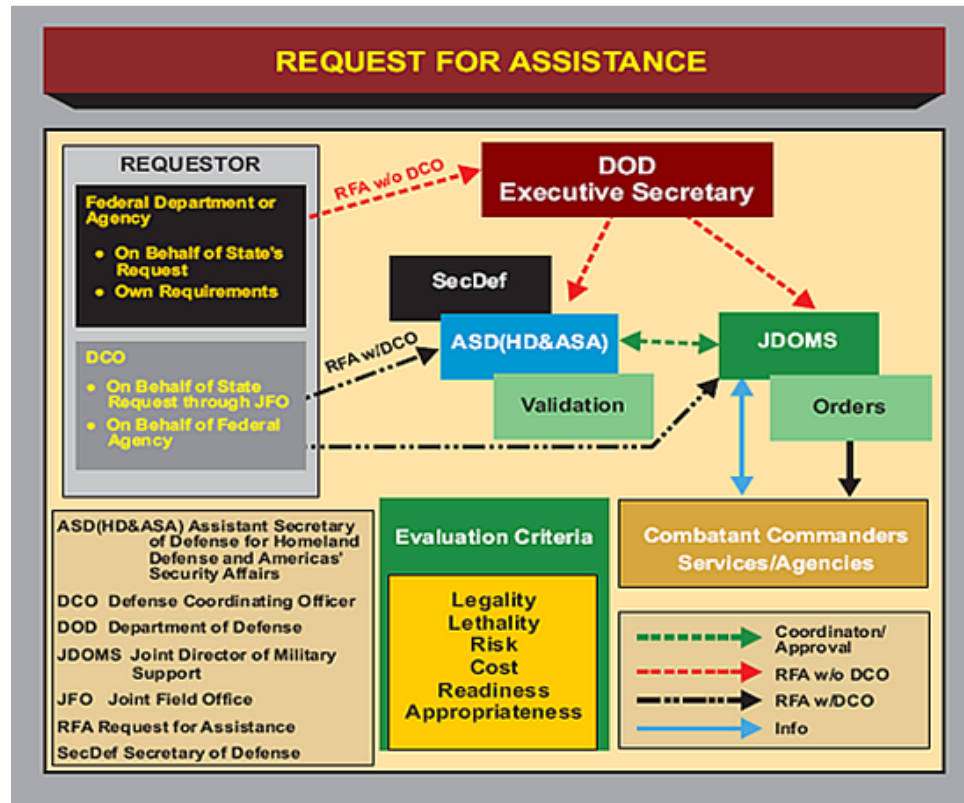


Figure 7. Request for Assistance Diagram

Source: National Center for Disaster Medicine and Public Health, *Concept of DSCA Medical Operations*, <http://ncdmph.usuhs.edu/FieldResearch/2011Workforce/2011wf-DOD3.htm> (accessed 22 April 2013).

### Policy Revision

One scathing component of the Department of Defense and Department of the Army ability to respond to a disaster included in the 2009-RAND Corporation study was the lack of doctrine supporting the DSCA mission. At the time of the 2009 report, even four years after the DoD/DA response to Hurricane Katrina there were seven key DoD Directives that relate to DSCA and only one was dated later than 2000, and the most



critical was dated 1986.<sup>52</sup> What this neglect of policy created was essentially a plethora of outdated policies if civil authorities needed to request assistance. Ultimately, this neglect of policy illustrated the lack of focus on DSCA by the Department of Defense and the Department of the Army. However, after the RAND report the Department of Defense and Department of the Army underwent a significant policy revision. The new policy and doctrine is congruent with civilian disaster doctrine and theory to increase common understanding. The main document to ensure common understanding is the National Response Framework.

In 2008, the Federal Emergency Management Agency produced the National Response Framework (NRF), which served as broad guidance to the nation on how to conduct all-hazards response. Due to the fact no two disasters are identical the NRF is built upon scalable, flexible, and adaptable coordinating structures to align key roles and responsibilities across the Nation, linking all levels of government, nongovernmental organizations, and the private sector. The NRF is intended to capture specific authorities and best practices for managing incidents that range from the serious but purely local, to large-scale terrorist attacks or catastrophic natural disasters.<sup>53</sup> The NRF focused on five guiding principles that include building and managing partnerships, tiered disaster response, scalable response options that are flexible and adaptable, a strong readiness and preparedness to act and unity of effort through unity of command.

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<sup>52</sup>Abbot et al.

<sup>53</sup>US Department of Homeland Security Federal Emergency Management Agency, *The National Response Framework* (Washington, DC: Government Printing Office, January 2008), <http://www.fema.gov/pdf/emergency/nrf/nrf-core.pdf> (accessed 10 January 2013).

The new DoD and DA policies and doctrine have provided critical information on employment of forces in a CBRN environment, and most importantly have established a clear linkage to the NRF. The hierarchical approach begins with Joint Publications 3-41, Chemical, Biological, Radiological, and Nuclear Consequence Management, and JP 3-11, Operations in Chemical, Biological, Radiological, and Nuclear (CBRN) Environments. Finally, JP 3-27, Civil Support links directly to Army Doctrine Publication 3-28 Defense Support of Civil Authorities. Each of these elements of doctrine stands alone with particular focus on elements of DSCA.

### Conclusion

The complexities of a disaster are impossible to predict but the national response framework sets scenarios and establishes common terminology and operating concepts across all components of disaster responders. The holistic policy revision across the Department of Defense enabled the Army to create updated and relevant DSCA policy and doctrine. Those key policy and doctrine creations provide units and leadership providence on training and employment of forces in a DSCA capacity. The creation and evolution of the Army's consequence management response force led to increased Title 10 Army capability for disaster response, but did so by blending Army Reserve forces into the response enterprise while simultaneously reducing claimed response time. The dispersion of units for the CBRN disaster response enterprise with their lack of clear command and control is the largest factor prohibiting a smooth and efficacious response. Units assigned a role within the CBRN response enterprise lack common headquarters prior to alert and mobilization for a disaster. The lack of clear command and control has a

cascading and detrimental effect on the entire response force enterprise, which negatively affects training and equipping, both of which diminish responsiveness and effectiveness.

## CHAPTER 5

### CONCLUSIONS AND RECOMMENDATIONS

#### Introduction

In support of the research question, should the Department of the Army designate a full-time organizational structure at the tactical level to conduct Defense Support of Civil Authorities (DSCA), in order to reduce the effects of statutory and regulatory restriction on operations while simultaneously increasing the efficacy of Title 10 Army units conducting DSCA—there were three findings. The three recommended changes can be implemented individually or together. If applied collectively they could significantly increase the efficiency and effectiveness of the CBRN Response Enterprise. The January 2012 Defense Strategic Planning Guidance lists Homeland Defense and Support to Civil Authorities as the top priorities for the Department of Defense.<sup>54</sup> The 2010 Quadrennial Defense Review tasks DoD with contributing an appropriately sized and shaped portfolio of homeland defense and civil support capabilities integrated with U.S. homeland security activities.<sup>55</sup> Disaster response, in particular to a CBRN type event is a significant threat, which could have severe consequences to our nation, people and critical infrastructure. Troop reductions in both Iraq and Afghanistan present new options to the Army to source the Defense Support of Civil Authority (DSCA) mission.

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<sup>54</sup>Department of Defense, *National Military Strategy*, 10.

<sup>55</sup>Department of Defense, *Quadrennial Defense Review* (Washington, DC: Government Printing Office, 2010), 14.

### Recommendation One: Assignment of Forces

The assignment of a Maneuver Enhancement Brigade with an organic military police battalion, engineer battalion, chemical battalion, and brigade support battalion should assume the Task Force Operations mission. The active duty TF-Ops would report solely to JTF-CS. This would significantly clear up the command and control disparities across the response enterprise, and increase the Title 10 Army response efficacy.

### Discussion

The RAND report noted there is a lack of training authority to ensure forces in the CBRN response enterprise are consistently and properly trained.<sup>56</sup> Despite all of the progress made since the first iteration of CCMRF in 2008, there are still significant challenges at the tactical level. For the most part, the Task Force Medical and Aviation brigades will provide DSCA in similar manner to how they conduct their daily garrison duties. During a disaster response, Task Force Aviation provides general aviation support for lift and casualty evacuation. Task Force Medical provides advanced medical treatment capability for JTF-CS with the intent of providing direct medical care to other members of the CBRN response enterprise. However, Task Force Operations is the general-purpose force for the response enterprise. They will likely conduct non-doctrinal missions that vary completely based on the disaster. As the general-purpose force, they will be the names and faces of the DSCA response. Their ability to train and gain experience in order to avoid the pitfalls of PCA violations, be flexible and adapt quickly will be the hallmarks of success or failure to the public perception of the Army's

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<sup>56</sup>Abbot et al.

response to the disaster. Therefore, risk reduction in the CBRN response force enterprise should focus on TF Ops.

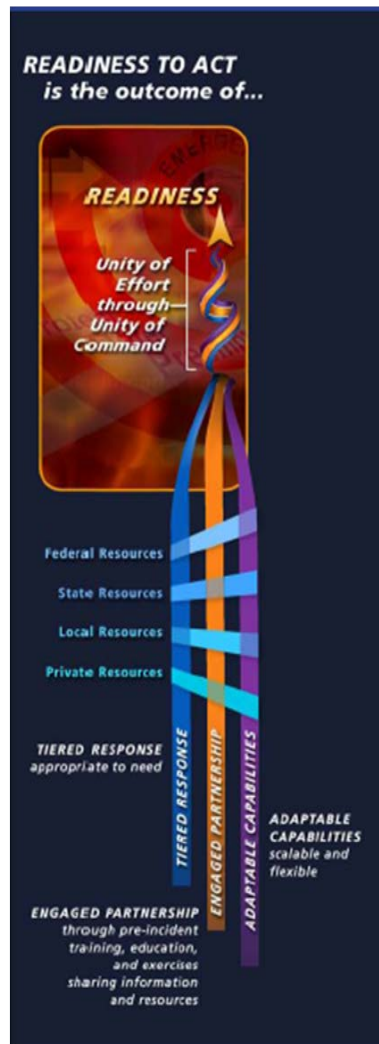


Figure 8. Unity of Effort through Unity of Command in Disaster Response

Source: Department of the Army, *Consequence Management Response Force, Operational Principles for Managing Consequence of a Catastrophic Incident Involving CBRNE* (Washington, DC: Government Printing Office, 2009), 43

The lack of solid command and control during the steady-state preparation phase of a disaster response significantly degrades the response efficacy. The effect of the CBRN response enterprise being dispersed across the United States and lacking a common headquarters has a degrading effect on cohesion which affects effectiveness during employment. The mixture of reserve and active component elements within the response force exacerbate the readiness issues caused by the disjointed command and control. In the Consequence Management Response book issued to units performing DSCA as part of the CBRN response force enterprise, it highlights the importance of unity of action through the unity of command. Certainly if unity of action depends on unity of command during disaster response, one could place high emphasis on the need of unity of command during the preparatory phase in order to increase the unity of effort prior to the disaster response. This would logically increase the solidarity of the training emphasis; provide a basis for highly focused training with civil authorities and increased justification for conducting joint training. Permanently assigning active duty Title 10 forces under JTF-CS to perform DSCA would alleviate a significant garrison strain on the response enterprise, and likely increase the effectiveness of the response.

Additionally, TF Operations could be equipped with commercial off the shelf communications systems interoperable with civilian radio systems, which could stay with the unit. Equipping a military unit to be able to talk to the civilians operating in and around the disaster would be a huge benefit. There is currently no standard or sufficient mechanism for localities, states, and federal agencies to share a civil-military common

operating picture to support CBRN incident response.<sup>57</sup> However, equipping TF-Ops and JTF-CS with the necessary civilian-interoperable software as well as testing and training on it regularly could have a profound impact on the effectiveness of a disaster response.

Assigning an active component brigade as TF-Ops would enable subordinate units to receive specialized training to increase their proficiency. Examples could include specialized training for leadership on Posse Comitatus act operating parameters for general-purpose forces, in order to avoid situations like the PCA violation at Fort Rucker. They would be able to focus training on understanding the specifics of toxic industrial chemicals and materials, as well as building shoring and survivor extraction. Units could focus on the non-doctrinal tasks that relate to DSCA and conduct joint training with civilian first responders. Unit leaders could focus on understanding the Request For Assistance process, along with the roles and responsibilities of the Defense Coordination Element, Incident Commander, and Area Commander.

It is important to understand the complexities of mission assignments while conducting DSCA at the tactical level, since soldiers are TACON to civil authorities during the execution of the mission assignment. Requests for Assistance (RFA) are generated based off need and assessment of the incident and area commanders, routed through the Defense Coordinating Element and then (if approved) are staffed into mission assignments. However, incident commanders (having TACON over the soldiers) can redirect soldiers' missions during execution. The incident commanders directing mission assignments may not understand PCA or any other statutory restrictions on which Title 10 forces.

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<sup>57</sup> Abbot et al.



Many military personnel have a difficult time subordinating themselves to civilian personnel. Further, the language that the military speaks and the language the civilian disaster responders speak are different, often complex, and/or misunderstood. Units dedicated to the DSCA mission could conduct extensive training to gain a better understanding of the national incident management system and the language used by civilian first responders. Ensuring understanding of commonly used terminology and meaning could significantly increase the efficacy of Title 10 forces responding to a disaster.

Major components complicating a DSCA response are the operating parameters in place for the military to operate within the United States. CJCSI 3121.01B, *Standing Rules of Engagement/Standing Rules for the Use of Force for US Forces*, establishes fundamental policies and procedures governing the actions to be taken by US commanders and their forces during all DoD CS and routine military department functions occurring within the US territory. Allowing a unit to train full time in support of the DSCA role would enable soldiers to understand the parameters of SRUF, and put them to practice. The use of force by military personnel on civilians whom are already a victim of a disaster could have severe consequences on the public support of the military and the crisis management response forces in general.

The organization could regularly conduct emergency deployment readiness exercises for various disaster response operations. An emergency deployment readiness exercise (EDRE) ensures that recall rosters are correct, soldiers have their equipment, and packing can occur in the prescribed manner. EDRE ensure that equipment load plans are present and executable. Further, JTF-CS could source assistance requests with smaller

elements from TF-Ops as necessary, selecting components that have already trained together and are necessarily equipped to respond to a disaster. This would increase the responsiveness and capability agility by providing another means to scale the response force.

#### Recommendation Two: Relocate JTF-CS

Relocate Joint Task Force Civil Support and Task Force Operations to further increase the effectiveness, agility, and scalability. JTF-CS could relocate to an installation with an active component division.

#### Discussion

JTF-CS would own Task Force Operations while having the ability to train with other division assets and enablers such as aviation and medical. This action would mitigate the effect of the current ad-hoc Task Force Medical and Task Force Aviation. The training and relationships built by co-locating the JTF-CS with a division and its enablers would enhance flexibility, agility, and scalability of the response force enterprise while increasing force options. Divisions also have the ability to rapidly deploy a unit, a capability that could reduce response time in the case of a disaster.

#### Recommendation Three: Talent Management

Create a functional area for Army Officers to career track in DSCA.

#### Discussion

One significant finding within the RAND study was the lack of DSCA cadre within Title 10 Army professionals. Training opportunities for soldiers to exercise DSCA are limited, and understanding of essential response strategies, plans, and operations is

important. Currently there is a PDSI to track which personnel have attended the DSCA Phase II course taught by Army North, but a PDSI merely tracks attendance to the course. The creation of a DSCA functional area for Army Officers could generate the appropriate venue for Army officers to learn, build, and maintain professional knowledge. The guise of functional areas is to provide officers opportunity to specialize in an area of the Army's mission, which is complex in nature and benefits by continued service in the distinct field. By creating an officer track, professionals can continue to build expertise in DSCA. They could develop networks with FEMA region DCO/DCE, and be subject matter experts at installations to advise commanders on response options to local emergency situations. The officers could broaden expertise through rotational assignments to NORTHCOM, ARNORTH, Joint Task Force Civil Support, and Defense Coordinating Elements within FEMA regions. Another way to view these professionals in non-DSCA units would be as field grade DCOs at installations.

### Conclusion

From a risk management perspective, Task Force Operations should be the highest priority for change in the current CBRN response enterprise. Assigning an active duty Title 10 brigade to fulfill the role of Task Force Operations and co-locating it with JTF-CS would significantly increase the efficacy of Title 10 Army forces performing DSCA. The clear command and control would enable better training and equipping which would increase the response options and effectiveness of the response force. Co-locating JTF-CS with its assigned TF-Ops to an active component division would increase training options and increase response flexibility. Additionally, establishing a

means to manage the professional knowledge of DSCA would significantly increase and maintain the talent pool within Department of the Army.

#### Recommendations for Further Research Regionally Aligned Force

Regionally aligning a Title 10 Army organization to DSCA could potentially increase the efficiency and effectiveness during disaster response. While aligning an organization to the DSCA mission would not solve the disjointedness with JTF-CS, it would enable a unit to focus training on DSCA as a primary task.

#### Robert T. Stafford Act and the Request for Assistance

One point of DSCA friction is the cost reimbursement component of the Robert T. Stafford Act, which specifies that if a state requests assistance from the federal government it must reimburse the government for the money spent on the disaster response. The Stafford Act says financial means will not be reason to deny assistance. However, it is culturally unsavory to bring money to the forefront of a plea to the federal government for assistance during a major disaster. As fiscal resources dwindle, it may help taxpayers accept the DoD costs more if they view DoD as helping more on US soil.

#### Elimination of PCA

Reduction of statutory restrictions on the use of the military could significantly increase the efficacy of forces providing DSCA. While the creation of the PCA was valid at the time of creation, its applicability today has been the attention of many scholarly works. Elimination of PCA would reduce statutory restrictions on the use of Title 10

forces in support of civil authorities and could potentially increase the effectiveness due to reduced operating restrictions during employment.

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